

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.912 OF 2004

The State of Maharashtra & others	Appellants
versus	
Shankar Bala Gat and others	Respondents

Ms.Usha Kejriwal, AGP for appellants.
Mr.T.S.Ingale for respondents 1 and 2.

CORAM : DR.D.Y.CHANDRACHUD, J.

DATE : 06TH JULY 2007

PC :

1. Admit. The following substantial questions
of law arise :-

(i) In view of the statement contained in
ground (D) of the Memo of Appeal that
there was a merger of Kolhapur State with
the Union of India on 1st March 1949
(vide Merger Agreement Exhibit-47) before
the order of allotment dated 30th October
1948 in favour of Indumati Rani
(Exhibit-44) took effect, was the
Appellate Court justified in decreeing
the suit for injunction?

(ii) In view of the merger which took place on 1st March 1949, did Indumati Rani become owner of the lands under section 14(1) of the Hindu Succession Act, 1956?

(iii) If the land in question was Government land as on 1st April 1957, would the provisions of Bombay Tenancy and Agricultural Lands Act, 1948 not be applicable as submitted in ground (F) of the Memo of Appeal?

(iv) Did Indumati Rani have a right to lease out the land when the Government resumed the possession thereof?

2. Call for the Record and Proceedings.

(DR.D.Y.CHANDRACHUD, J.)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET

CIVIL APPLICATION NO.489 OF 2007
IN
SECOND APPEAL NO.912 OF 2004

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions & Registrar's orders		Court's or Judge's order
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Ms.Usha Kejriwal, AGP for applicants.
Mr.T.S.Ingale for respondents 1 and 2.

CORAM : DR.D.Y.CHANDRACHUD, J.

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PC :

1. The Civil Application has been taken out for transposing third respondent as appellant no.4. The third respondent is the Talathi. Therefore, there should be no objection for grant of the relief as sought.

2. Civil Application is allowed in terms of prayer clause (b).

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((-4-))

(DR.D.Y.CHANDRACHUD, J.)